Order No. SWL 39 LLA, 79 Bangalore dated the 14-2-1979.

Whereas by State Government Order No. SWL 698(ii) LLD 77 dated 15-10-77 the Industrial dispute between the workmen and the Management of M/s. Kapeel Cinema, 1660, Ramling Khind, Belgaum, was referred to the Labour Court, Hubli, for adjudication ;

And Whereas the Presiding Office, Labour Court, Hubli, has submitted to the State Government its award in respect of the said Industrial Dispute.

Now, therefore, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publiction of the said award as above, in the *Karnataka Gazette*.

By Order and in the name of the Governor of Karnataka,

B. T. SATYANARAYANA
Under Secretary to Government,
Social Welfare and Labour Dept.

P. R. No. 387.

GOVERNMENT OF KARNATAKA

SOCIAL WELFARE AND LABOUR DEPARTMENT.

Labour Dispute : Industrial dispute between the Workmen and the Managements of Elgin, Everest, Palace, New Empire, Rajeshwari and Gajaniana, Bangalore.

Award of the Presiding Officer Additional Industrial Tribunal, Bangalore Published.

Read the following papers :

1. Letter No. A.I.T./414/78-79 dated 31-1-1978 from Sri H. Shanmukhappa, Presiding Officer Additional Industrial Tribunal, Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL, BANGALORE

Dated this 30th day of January, 1979.

Present :

Sri H. Shanmukhappa, B.A., B.L.,

Presiding Officer.

A.I.D. No. 12 of 1976.

I Party : Workmen of Elgin, Everest, Palace, New Empire, Rajeswari and Gajanana, Bangalore, represented by the Secretary, Mysore, State Cinema Employees' Association, Bangalore-9.

Vs.

II Party : The Managements of Elgin, Everest, Palace, New Empire, Rajeswari and Gajanana, Bangalore.

APPEARANCES

For I Party : By Sri C. S. Nagabhushanam, General Secretary, Mysore State, Cinema Employees Association, Bangalore.

For II Party : (1) By Sri A. Gopal, Film Chamber of Commerce, Bangalore.

(2) By Sri B. C. Prabhakar, General Secretary, Mysore State Employer's Association, Bangalore.

AWARD

This is a reference made by Government of Karnataka in their Order No. FCL 956 LLD 71 dated 14th February, 1972 to this Tribunal to adjudicate the disputes between workmen and the management of 45 theatres including the present 6 theatres under section 10(1) of the Industrial Disputes Act.

The points of dispute are as follows :—

POINTS OF DISPUTE

I. Are the workmen of Cinema Theatres/Exhibitors in Bangalore listed in the annexure are justified in demanding the

following. All the employees should be given the following scales with effect from Ist January 1969.

1. Wage Scales :

1.	Manager	Rs. 250-15-325-20-425-25-500
2.	Asst. Manager	Rs. 200-10-300-12½-450
3.	Chief Operators	Rs. 150-7½-190-10-245
4.	1st Operator	Rs. 125-7½-190-10-250
5.	2nd Operator	Rs. 100-5-140-7½-200
6.	3rd Operator	Rs. 80-3-95-5-135
7.	Booking Clerks	Rs. 100-10-150-15-225
8.	Gate Keepers	Rs. 75-5-100-7-135
9.	Carpenter	Rs. 75-5-100-7-135
10.	Electrician	Rs. 100-10-150-15-225
11.	Watchman	Rs. 60-4-80-6-122
12.	Board Boys and Sweepers	Rs. 40-2-60-5-75

2. Adjustment :

(a) If any employee is drawing wages below the minimum, he should be brought to the minimum in the above scales.

(b) If any employee is drawing wages in between two slabs, he should be stepped up.

(c) If any employee is drawing maximum in the above scales, he should not be stagnated but allowed to continue to draw yearly increment in his scale.

(d) All employees should be given one increment for every two years of service in the above scales with effect from 1-1-1969.

3. Dearness Allowance :

All employees should be paid Rs. 100 per month at the All India cost of living index of 100 for Bangalore City for every rise of 10 point over 100, Rs. 5 should be paid to all employees with effect from 1-1-1969.

4. Working Hours :

No employer should take work for more than 8 hours a day. Recess should not exceed for more than One hour a day. In case any worker is called to work beyond 9 hours including lunch time, he should be paid overtime wages at double the normal rate.

5. *Bonus :*

All employees should be paid BONUS per the Payment of Bonus Act, 1965, with effect from 1964.

6. *National and Festival Holidays :*

All employees should be given 10 National and Festival Holidays with full wages with effect from 1964. In case any employee is called upon to work on paid National Festival Holidays and Weekly off, he should be paid overtime at double normal rate in addition to compensatory off.

7. *Gratuity :*

All employees should be paid Gratuity as follows :

(1) In case any employee resigns/retires after 5 years of service or discharged or dismissed or of retrenched by the employer.	One month's total wages for each year of service
(2) When an emyloyee becomes Physically unfit to continue in service or dies while in service.	

II. If not, to what relief are the workmen entitled ?

2. The averments of the I Party workmen in A.I.D. 10 of 1972 as well as in this reference as mentioned in their claim statement which was filed on 20-4-1972 are that the wages which were being paid to the workers in the theatre industry were very poor. The Association therefore submitted a charter of demands on individual theatres, as well as on the Mysore Film Chamber of Commerce on 24-4-1970. The matter was taken up for conciliation before the Deputy Labour Commissioner. During this period the President of the Film Chamber had a series of meetings and he prepared a draft statement approved by the members of the Film Chamber. The IInd Party theatres however did not accept the proposed settlement. The Deputy Labour Commissioner had therefore to record a failure of conciliation proceedings. Therefore this reference is made.

3. Cost of living index since 1939 has increased 7 times, whereas there has been no increase in the wages. There has been no decent standard of living. Minimum wage calculated on the basis of the norms accepted at the 15th Labour Conference for the city comes to Rs. 310 per month at the cost of living index of 660 in May 1966. It is submitted that Rs. 413 is

barest minimum wage for a family of three consumption units at the present cost of living index of 880. The employees are paid hardly Rs. 55 as wages. Their wages were fixed in the year 1962 when the cost of living index was 461. Some of the Association members supplied to their workers a bare two sets of uniforms for entire year. They are not being provided with free-quarters and benefits like tea, lunch and medical treatments. The enumeration of the demands regarding classification of employees, scales of pay, adjustment Dearness Allowance, working hours, bonus, National and Festival Holidays, and gratuity which are the subject matter of the Points of Dispute are made, and justification sought for them.

4. The II Party theatres and the other Cinema Theatres Which have been included as II Party in A.I.D. 10 of 1972 have filed their objections. The objections in a nutshell are the following :

5. The Mysore State Cinema Employees Association does not represent the Ist Party Cinema Employees. It has no authorisation to represent them. There was no demand by the Ist Party workmen on their respective employers. There is no industrial dispute and the reference is incompetent. It is not correct that the financial position of the theatre is extremely sound. The return on capital is meagre. The employees are being paid fair and reasonable wages. The demands are speculative and fanciful. The wages paid to the employees compared favourably with the payments elsewhere. The Government of Mysore has constituted the Minimum Wages Committee for the Film Industry. Therefore the demands are pre-mature. It is not correct to say that there are substantial profits to the theatres and they are due to the efforts of the workers. Even the marginal profits earned by the cinemas are mainly due to the quality and nature of the films and location and type of the theatres. All the theatres are not similarly situated, in the matter of box office collection, paying capacity, return on the investment and overheads. There cannot be identical wages in the different units of the industry. It is not correct to say that the proposal by Film chamber of commerce fell through on account of the Second Party. But the employers were not quite sure of the representative character of the

employees association. The talks therefore had to break-off. There is no warrant for adopting 1968 as the base year. The employees are getting Dearness allowance commensurate with the capacity of the employers to pay. The fortunes of the Film industry in general and the exhibition sector thereof in particular is very fluctuating depending upon public response to movies. The Film Industry caters only to the entertainment of the patrons and there is nothing like supply of goods to the public at large. The wage scales in most of the industries in our country are necessarily in the lower level of fair wage. The recommendations of the National Committee of labour are on the high side and the norms for the wage policy laid down by the said Committee itself negatives the claim. It is further contended that apart from the reasonable wages that are being paid the employees are also paid dearness allowance commensurate with the capacity of the employers. In otherwords the main contention of the II-Party is that the Cinema employees are paid quite reasonable wages in commensurate with the capacity of each of the employers in addition to the payment of dearness allowance and so on. However the II-Party theatres and the other theatres have categorically pleaded their inability to provide for free-quarters, free-lunch and free medical aid. They have also contended that the wage scale proposed by the Film Chamber is reasonable and just. The II-Party have also stated that they are always willing to pay bonus as per the provisions of the payment of bonus act., and also willing to grant National and Festival holidays as per the provisions of the said act.

6. In A.I.D. 10 of 1972 Sri C. S. Nagabhushanam has submitted a memo to this Tribunal to the effect that A.I.D. 10 of 1972 might be disposed of in respect of those theatres between whom the settlement had been arrived covering the concerned workmen. He further submitted that the dispute in respect of these six theatres *i.e.*, workmen of the I-Party theatres in this reference and the management of these theatres might be separated from the reference A.I.D. 10 of 1972. Accordingly an Award has been passed by this Tribunal in A.I.D. 10 of 1972 and registered a separate case in A.I.D. 12 of 1976 covering the workmen and the management of six

theatres namely, Elgin, Everest, Palace, New Empire, Rajeshwari and Gajanana to adjudicate the disputes between them.

7. Both the parties have not lead oral evidence in this reference. On 9-8-1978 the workmen and the management of Elgin talkies have filed a joint memo of settlement signed by both the parties. As the terms of the settlement are fair and proper they have been accepted by this Tribunal. On the same day the workmen and the management of Everest talkies have also filed a joint memo of settlement. The terms of the said settlement have been accepted by this Tribunal as they are found to be fair and proper. On 9-8-1978 itself Sri C. S. Nagabhushanam, General Secretary of the I-Party and Sri A. Gopal representing the II-Party on behalf of the Karnataka Film chamber of commerce have filed a joint memo to the effect that the three Cinema theatres namely Gajanana, New Empire and Palace had been closed and further they have also reported that there was no dispute between the workmen and the management of these three theatres.

8. There upon the case was posted for evidence in respect of the workmen of Rajashwari. The parties took several adjournments on the pretext of settling the dispute between them. Ultimately the parties remained absent and have not adduced any evidence in support of the demand made by the workmen in this reference.

9. In view of the above proceedings that have taken place in this reference the following award is passed.

AWARD

10. An award is passed in respect of Elgin and Everest Talkies in terms of the settlement filed by both the parties on 9-8-1978. A copy of the settlement shall form part and parcel of this award.

11. With regard to the three theatres namely Gajanana, New Empire, and Palace the reference is hereby rejected, in view of the joint memo filed by both the parties on 9-8-1978 reporting the closure of those three theatres and also non existence of any industrial dispute between the workmen and the management of those three theatres.

12. The reference in respect of Rajeshwari theatre is concerned is also liable for rejection as neither the workmen nor the management have lead any evidence. In otherwords the workmen of Rajeshwari theatre have not substantiated any of the demands made in this reference and accordingly they are not liable for any relief. Therefore in the result the reference in respect of the workmen and the management of Rajeshwari theatre is concerned is hereby rejected. Parties to bear their own cost.

H. SHANMUKHAPPA

Presiding Officer,
Additional Industrial Tribunal, Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL, BANGALORE

A.I.D. No. 12 of 1976

BETWEEN :

Workmen of Elgin, Everest, Palace,

New Empire, Rajeswari and Gajanana Talkies, Bangalore, represented by the Secretary Karnataka State Cinema Employees Association, Bangalore, ... Ist Party.

AND :

The Management of Elgin, Everest, Palace,

New Empire, Rajeswari and Gajanana Talkies, Bangalore

...2nd Party.

JOINT MEMO

.....Whereas. certain Industrial dispute pertaining to Wage scales, Dearness Allowance, Working Hours etc., arose between the workmen and Management of 6 Cinema Theatres in B'lore and whereas the said disputes are still pending on the file of the said Additional Industrial Tribunal.....

.....Whereas to day we are filing settlement in the two Cinema Theatres ofM/s. Elgin and the M/s. Everest Talkies, Bangalore and other Three Cinema Theatres of M/s. Gajanana, New Empire and Palace Talkies was closed there is no dispute against the

three cinemas and M/s Rajeswari Talkies will be filed by next date. .....

Sd/- C. S. N. BHUSHANAM,
General Secretary, Ist Party.
Representing Karnataka State Cinema Employees Association, Bangalore-9.

Sd/- A. GOPAL, 2nd Party,
Representing Karnataka Film Chamber of Commerce, Bangalore-9. Dated : 9-8-1978.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL
BANGALORE

In the matter of Reference in A.I.D. 12 of 1976.
Memorandum of Settlement dated 9th August 1978.

I Party-Workmen.	*vs.*	*2nd Party-Management*
Sri C. S. N. Bhushanam, General Secretary, Represented State Cinema Employees' Association, Bangalore-9.		M/s. Everest Talkies, Frazer Town, Bangalore-5.

A SETTLEMENT IS ARRIVED AT BETWEEN THE ABOVE REFERRED PARTIES AND REDUCED TO WRITING AS UNDER—

TERMS AND SETTLEMENT

I. It is agreed by the employers to grant the following consolidated pay scales/wage scales, with effect from 1st June, 1978.

Designation/Classification of employees :	Pay Scales/Wage Scales (Consolidated)
1. Asst. Manager/ Supervisor/Accountant /Chief Operator. All employees doing the work of the nature and responsibility done by persons falling under this category by whatever name and designation they are called.	Rs. 375-8-455-10-555

2.	Sr. Office Asst/Steno-clerk-Typist Maintenance Supervisor/Booking Clerk, 1st Asst. Operator (with licence) Electrician (W-ith Licence) Air Condition Operator and all employees who are doing the work of the nature and responsibility done by persons falling under the category by whatever name or designation they may be called.	Rs. 264-6-324-8-404
3.	Gate-keeper/Door-keeper/Watcman/carpenter, II Asst. Operator (with licence) Painter/Vehicle Driver/Mechanic/Jr. Office Asst/Clerk/Typist Asst. Maintenance S-upervisor and all employees doing the work of the nature and responsibility done by persons falling under this category by whatever name or designation they may be called.	Rs. 227-5-277-347
4.	Sweeper/Sanitary Helper/Board Boy/Usherer/Battery boy/Attender/Office Boy/Gardener/Cycle/Stand Boy / Car Stand boy / Rewinder/Cabin Assistant (without licence) and all other employees doing the work of the nature and responsibility done by persons falling under this category by whatever name or designation they are called.	Rs. 180-4-220—280

That any employee, if get stagnated at the maximum of the pay scales/wage scales, such an employee will be granted the last drawn increment every year irrespective of the fact, he has reached the maximum.

It is further agreed that the annual increment that falls due in the revised pay scales/wage scales will be granted as and when it falls due.

2. *Dearness Allowance* :—It is agreed that all classes of employees will not be granted a separate Dearness Allowance or variable Dearness Allowance, as the consolidated wage scales as agreed above include Rs. 100 as merged Dearness Allowance.

3. *Bonus* :—It is agreed that payment of bonus will be made in accordance with the payment of Bonus Act.

4. *Provident Fund and Family Pension* :—It is agreed that the same will be governed under the Employees Provident Fund Act.

5. *Payment of Gratuity* :—It is agreed that the payment of gratuity will be made in accordance with the payment of Gratuity Act.

6. *National and Festival Holidays* :—It is agreed that the grant of number of Holidays and Payment thereof will be made in accordance with Karnataka National Holidays Act.

7. It is agreed further that this settlement is signed in supersession of all settlements in force and/or any form of wage-scales which are all lower than the terms of the settlement. All other benefits or privileges hitherto enjoyed if any higher than the terms of this settlement, will not be produced.

8. It is mutually agreed that in order to obviate any difficulties between the parties in the implementation of this settlement, to form a Standing Committee consisting of two representatives, representing Karnataka Film Chamber of Commerce, Bangalore and Sri D. Venkatesh, the President of Karnataka State Cinema Employees'' Association or any of his nominee, Bangalore decide such issues.

9. It is agreed that this settlement shall be in force for a period of five years commencing from the date of Award by the Tribunal.

10. The Workmen agree that for a period of five years commencing from the date of award will not raise any demand or dispute on the terms covered by the said reference and/or this settlement ; provided that the employers do not unilaterally effect changes on the conditions of working.

11. The workmen further agree not to press all other demands pending before the Industrial Tribunal under the said references.

12. Notwithstanding anything contained in this agreement, in the event of any benefit accruing by an act of either Central or State Government for cinema employees, the Standing Committee mentioned in clauses 8 may settle such issues after negotiating with the Managements.

13. The parties to the disputes agree to file the terms of this settlements before the Hon'ble Additional Industrial Tribunal, Bangalore and submit that the Hon'ble Additional Industrial Tribunal be pleased to accept the above terms, as fair and reasonable and justified and pass an award in the matter of references pending in A.I.D. 12 of 1976, before the Tribunal.

14. It is specifically agreed that clause 10 in any manner does not effect the rights of an employer to proceed against the employee for any misconduct.

15. The parties further agree to bear their own costs. This agreements is signed by the parties on the Nineth day of August, 1978, at Bangalore.

Employers :

For Everest Talkies,
(Sd.) L. K. Madanlal, Proprietor.

Workmen :

(Sd.) C. S. N. Bhushanam, General Secretary,
Karnataka State Cinema Employees' Association,
Bangalore-9.

H. SHANMUKHAPPA,
Presiding Officer,
Additional Industrial Tribunal,
Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL, BANGALORE.

In the matter of Reference in A.I.D. No. 12 of 1976

Memorandum of Settlement dated 9th August, 1978.

I Party—Workmen :

Sri C. S. N. Bhushanam, General Secretary,
Represented by
The Karnataka State Cinema Employees' Association,
Bangalore-9.

II Party—Management :

M/s. Elgin Talkies, Shivaji Nagar,
Bangalore

A settlement is arrived at between the above referred parties and reduced to writing as under.

TERMS AND SETTLEMENT

1. It is agreed by the employers to grant the following consolidated pay scales/wage scales; with effect from 1st June, 1978 :

Designation/Classification of employees :	Pay Scales/wage-scales (consolidated)
1. Asst. Manager/Supervisor/Accountant/Chief Operator. All employees doing the work of the nature and responsibility done by persons falling under this category by whatever name and designation they are called.	Rs.375-8-455-10-555
2. Sr. Office Asst/Steno-clerk-typist/Maintenance Supervisor/Booking Clerk 1st Asst. Operator (with licence) Electrician (with licence) Air condition Operator and all employees who are doing the work of the nature and responsibility done by persons falling under the category by whatever name or designation they may be called.	Rs. 264-60-324-8-404
3. Gate-keeper/Door-keeper/Watchman Capenter, II Asst. Operator (with licence) Painter/Vehicle Driver/Mechanic/Jr. Office Asst Clerk/typist, Asst. Maintenance Supervisor and all employees doing the work of the nature and responsibility done by persons falling under this category by whatever name or designation they may be called.	Rs. 227-5-277-7-347

4.	Sweeper/Sanitary helper/Board boy Usherer/battery boy/Attender/ Office boy/Gardener/Cycle Stand boy/Car Stand Boy/Rewinder/ Cabin Ast. (without licence) and all other-employees doing the work of the nature and responsibility done by persons falling under this category by whatever name or designation they are called.	Rs. 180-4-220-6-280

That any employee, if get stagnated at the maximum of the pay scales/wage scales, such an employee will be granted the last drawn increment every year irrespective of the fact, he has reached the maximum.

It is further agreed that the annual increment that falls due in the revised pay scales/ wage scales will be granted as and when it falls due.

2. *Dearness Allowance* :—It is agreed that all classes of employees will not be granted a separate Dearness Allowance of variable Dearness Allowance, as the consolidated wage scales as agreed above includes Rs. 100 as merged Dearness Allowance.

3. *Bonus* :—It is agreed that payment of Bonus will be made in accordance with the Payment of Bonus Act.

4. *Provident Fund and Family Pension* :—It is agreed that the same will be governed under the Employees Provident Fund Act.

5. *Payment of Gratuity* :—It is agreed that the payment of gratuity will be made in accordance with the payment of Gratuity Act.

6. *National and Festival Holidays* :—It is agreed that the grant of Number of Holidays and Payment thereof will be made in accordance with Karnataka National Holidays Act.

7. It is agreed further that this settlement is signed in supersession of all settlements in force and/or any form of wage-scales which are all lower than the terms of this settlement. All other benefits or privileges hitherto enjoyed if any higher than the terms of this settlement, will not be reduced.

8. It is mutually agreed that in order to obviate any difficulties between the parties in the implementation of this settlement, to form a Standing Committee consisting of two representatives, representing Karnataka Film Chamber of Commerce, Bangalore and Sri D. Venkatesh, the President of Karnataka State Cinema Employees' Association or any of his nominee, Bangalore decide such issues.

9. It is agreed that this settlement shall be in force for a period of five years commencing from the date of award by the Tribunal.

10. The workmen agree that for a period of five years commencing from the date of award will not raise any demand or dispute on the terms covered by the said reference and/or this settlement ; provided that the employers do not unilaterally effect changes on the conditions of working.

11. The workmen further agree not to press all other demands pending before the Industrial Tribunal under the said references.

12. Notwithstanding anything contained in this agreement, in the event of any benefit accruing by an act of either Central or State Government for cinema employees, the Standing Committee mentioned in clause 8 may settle such issues after negotiating with the Management.

13. The parties to the disputes agree to file the terms of this settlements before the Hon'ble Additional Industrial Tribunal, Bangalore and submit that the Hon'ble Additional Industrial Tribunal be pleased to accept the above terms, as fair and reasonable and justified and pass an award in the matter of reference pending in A.I.D. No. 12 of 1976, before the Tribunal.

14. It is specifically agreed that clause 10 in any manner does not effect the rights of an employer to proceed against the employee for any misconduct.

15. The parties further agree to bear their own costs. This agreement is signed by the parties on the Nineth day of August, 1978, at Bangalore.